

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KEITH TOLBERT

v.

TAMMY FERGUSON, et al.

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CIVIL ACTION

No. 18-4905

ORDER

AND NOW, this 24th day of September, 2019, upon careful and independent consideration of Petitioner Keith Tolbert's pro se Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge Marilyn Heffley, to which no objections have been filed,¹ it is ORDERED:

1. The Report and Recommendation (Document 14) is APPROVED and ADOPTED;
2. Tolbert's Petition for writ of habeas corpus is DENIED and DISMISSED;
3. Tolbert's Motion to Stay (Document 12) is DENIED;
4. A certificate of appealability shall not issue, as Tolbert has not made a substantial showing of the denial of a constitutional right nor demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

The Clerk of Court is DIRECTED to mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, C.J.

¹ The Report and Recommendation was sent to all parties of record on August 20, 2019, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. *See* Local R. Civ. P. 72.1 IV(b) ("Any party may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B) . . . within fourteen (14) days after being served with a copy thereof."). To date, no objections have been filed.